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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,135	04/12/2004	Li-Ting Huang	14396 B	4825
23595	7590	11/07/2005	EXAMINER	
NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402			JULES, FRANTZ F	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 11/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/823,135

Applicant(s)

HUANG, LI-TING

Examiner

Frantz F. Jules

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/23/2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keane (US 4,530,543) in view of Liao (US 5,466,051) and Chiu (US 5,188,430). Keane discloses a wheel assembly comprising a main body (33), two wheels (30), and two positioning shafts (26), wherein the main body has two opposite sides each formed with a pivot hole as seen in fig. 2; each of the two wheels is rotatably mounted on the main body and has a center formed with a step-shaped positioning hole; each of the two positioning shafts is mounted on a respective one of the two wheels and is combined with the main body; each of the two positioning shafts has a first end formed with a plurality of elastic positioning plates (28) each extended the respective pivot hole of the main body and each having a distal end formed with a hook-shaped locking portion (27) locked on an inner side the respective pivot hole of the main body to lock each of the two positioning shafts on the main body.

Keane discloses all of the features as listed above but does not disclose a wheel end assembly wherein retaining rods are mounted in the positioning shafts with each of the positioning shafts extends through the positioning hole of the respective wheel. The general concept of providing retaining rods mounted in positioning shafts for

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reinforcement thereof in a wheel assembly is well known in the art as illustrated by Chiu which discloses the teaching of retaining rods (4) mounted in positioning shafts (3) for reinforcement thereof in a wheel assembly. Also, the general concept of providing a wheel in a wheel end assembly such that each of the positioning shafts extends through the positioning hole of the respective wheel is well known in the art as illustrated by Laio which discloses the teaching of a wheel in a wheel end assembly such that each of the positioning shafts (31) extends through the positioning hole of the respective wheel. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Keane to include the use of a wheel in a wheel end assembly such that each of the positioning shafts extends through the positioning hole of the respective wheel in his advantageous wheel end assembly as taught by Liao in order to improve on the stability of the wheel. In addition, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Keane to include the use of retaining rods mounted in positioning shafts for reinforcement thereof in his advantageous wheel assembly as taught by Chui in order to allow the wheel to rotate very smoothly as disclosed in col 1, lines 51-52.

Allowable Subject Matter

3. Claims 9-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

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4. Applicant's arguments filed 09/23/2005 have been fully considered but they are moot in view of the new ground of rejection.

The newly available reference Chui, disclosing reinforcing of a shaft with a rod in a wheel assembly, establishes a prima facie case of obviousness to one of ordinary skill in the art and give rise to this new ground of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Huang is cited to show related wheel assembly comprising a shaft which is reinforced by a rod.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (703) 272-6681. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (703) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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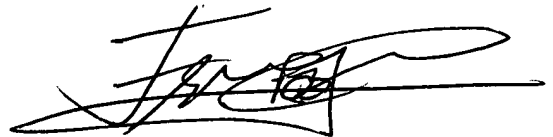
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz F. Jules
Primary Examiner
Art Unit 3617

FFJ

November 1, 2005

FRANTZ F. JULES
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Frantz F. Jules', is written over a rectangular box. The signature is stylized and extends beyond the top and right edges of the box.